

BOARD OF DIRECTORS – ACTION SUMMARY
Wednesday, July 27, 2005 – 6:00 p.m.

Administration Building
2101 Hurley Way, Sacramento, CA

CALL TO ORDER

The meeting was called to order by President Granados at 6:20 p.m. Board Members present: Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley. Staff: Fire Chief Martinez, General Counsel Price, Board Clerk Tilson.

PLEDGE TO FLAG

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA

CONSENT AGENDA:

- 1. Special Board Meeting Action Summary—June 30, 2005**
- 2. Board Meeting Action Summary—July 13, 2005**

- Director Duveneck requested an addition to read [7/13/05 Action Item 3], “He supported the idea of one staff counsel but could never support two counsels because (1) it was a waste of taxpayers’ money, and (2) it would just cause more dysfunction for this Board and Metro Fire District.”
- Director Jones requested an addition to read [7/13/05 Action Item 3], “She was in support of one in-house counsel to carry on and if particular issues or areas of expertise were required that we would do as we have done in the past and that is have a list of appropriate counsel to contract out with.”
- **Board Action:**
Kelly/Lawson—approve the Consent Agenda with additions. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, abstaining. Motion carried.

ADDITIONS TO THE AGENDA:

Counsel Price stated two items came to the attention of staff after the posting of the Agenda and require six votes to place on the Agenda.

First item: Relates to an action taken by the Board at its last meeting approving a Resolution for an industrial disability retirement for Engineer James B. Cauley. CalPERS has asked that certain revisions be made to the Resolution with inclusion of additional language to comply with a recent Court case, Nolan vs. City of Anaheim. Necessary to take action on the revised Resolution to preclude any disruption in the retirement payments.

- **Board Action:**
Goold/Duveneck—Add the Resolution to the Agenda as an action item. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

Second item: Finance Director Houghton was advised by the County of Sacramento that it is necessary to move funds between accounts by Resolution.

- **Board Action:**
Valley/Lawson—Add the Resolution to the Agenda as an action item. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE.

RECESS TO CLOSED SESSION 6:15 PM

[Taken Out of Order]

RECONVENE TO OPEN SESSION 6:30 PM

Report by General Counsel Price:

CLOSED SESSION GOVERNMENT CODES:

1. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(a) – One (1) Case
Tim Martin vs Sacramento Metropolitan Fire District
WCAB SAC 032291

The Board discussed the case and provided settlement authority to the Workers' Compensation counsel. If and when a settlement is effectuated, the terms of the settlement will be announced at a future meeting.

**Resolution No. 24-05 – Industrial Disability Retirement Application --
Fire Engineer James B. Cauley—(Appel)**

[After Closed Session]

- First item added to the Agenda.
- Resolution No. 23-05 was adopted by the Board at its last meeting.

Subsequent to submission of this Resolution to CalPERS, the District was informed under a recent lawsuit, Nolan vs. City of Anaheim, that additional language needed to be incorporated into the Resolution to comply with the directive from the Court.

- Staff recommends adoption of the amended Resolution.
- **Board Action:**
Goold/Duveneck—Adopt the amended Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

**Resolution No. 25-05 – Appropriate Funds to the Retirement Account—
(Houghton)**

[After Closed Session]

- Second item added to the Agenda.
- Resolution for appropriation of funds from the General Fund Undesignated Reserves to the Retirement Account in the amount of \$2,300,252.
- The County of Sacramento notified the District that the posting of our bond payment in May of \$2,300,252 has placed the 1000 Account series over budget for the year.

The overage results from the fact that the Pension Bond Issue did not exist last year when the Final Budget was adopted.

- Staff recommends adoption of the Resolution to transfer \$2,300,252 from the Reserves into the 1000 Account Retirement Series to balance the budget in accordance with the actual expenditures.
- **Board Action:**
Kelly/Valley—Adopt the Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

ACTION ITEM(S)**1. Purchase of Helicopter Insurance Coverage—(Appel)**

- Staff annually requests the District broker, Alburger Basso DeGrosz (ABD), to solicit insurance coverage proposals.
- The acceptable proposals received this year are as follows:

ACE	\$56,600
HCC (Houston Casualty Company	\$67,700
- Insurance covers only the actual cash value investment in the helicopter.
- Because of the cumbersome process and uncertainty of the Federal Government continuing the Terrorism Risk Insurance Act (TRIA), staff is not recommending adding this coverage to the policy. Hull and liability war risk is covered.
- Staff recommends the 2005/2006 helicopter insurance coverage be awarded to ACE/Westchester at a quoted rate of \$56,600.
- **Board Action:**
Kelly/Jones—Approve the staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

2. Resolutions to Acquire Real Property and Appropriate Funds—(Horel/Houghton)**A. Resolution No. 26-05—Authorize the Purchase of Real Property In the City of Rancho Cordova**

- District staff has completed negotiations to acquire a 2.8 acre parcel for \$1,122,000 on Anatolia Drive in Rancho Cordova for a new fire station to be located east of Sunrise and south of Douglas Road in the Sunridge development area.

This is the first of three fire stations necessary to provide emergency response services to a total plan buildout of approximately 18,000 dwelling units. Approximately 3,000 single-family dwellings will be built by the time the station is completed for occupancy in 27 months. Developers are very supportive of building a fire station in the Sunridge area.

- Staff recommends adoption of the Resolution to authorize the purchase of the real property and designation of the Fire Chief to sign legal documents on behalf of the District.
- **Board Action:**
Goold/Jones—Adopt the Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

B. Resolution No. 27-05—Appropriate Funds for Real Property Acquisition—(Houghton)

- The Preliminary Budget currently contains \$100,000 for Land Acquisition. The Capital Improvement Reserves as of June 30 contains a balance of \$5,979,950 for this Program.
- This Resolution provides for a transfer of funds from the Capital Improvement Program Reserves in the amount of \$1,180,000 for the purchase of the real property for use as a site for the new fire station.
- **Board Action:**
Jones/Lawson—Adopt the Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

3. General Counsel Selection Process—(Martinez/Price)

- Fire Chief Martinez stated his recommendation is two-fold:
 - Important that the new Fire Chief weigh in on the counsel selection process.
 - Need direction on either a single general counsel or split the position with a general counsel attending Board meetings in a limited format and staff counsel available on a daily basis to deal with staff issues.
- Counsel Price submitted a one-page staff report accompanied by a four-page summary of Legal Services provided by the Legal Division to include tasks performed by the Legal Secretary.
- The job description for General Counsel was distributed to the Board for review.

The following modifications were made:

Under MINIMUM QUALIFICATIONS:

Education:

- Delete sentence: *"The education requirements may be modified at the sole discretion of the Fire Chief."*

Experience:

- Modify: A minimum of 15 years changed to "7" years of full time employment as a practicing attorney at law. . .
- Clarification was provided that the Legal Secretary position is separate and will remain with the District.
- Directors Jones, Duveneck, and Goold expressed support of a single counsel working for the District and the Board with an option of special counsel for certain areas of expertise if needed.
- Director Kelly suggested an attorney on a fee basis for evaluation purposes prior to hiring, with Directors Trujillo and Lawson in agreement.
- In an update to Director Lawson, President Granados stated the option of outside counsel for Board members met with opposition due in part to issues of the attorney-client privilege. Previous discussion concluded with one counsel reporting to the Board.
- Director Valley was in favor of proceeding with the search, with interview of all candidates prior to a decision on short-term or permanent hire.
- **Board Action:**
Kelly/Goold—modify the job description as described and get the job announcement out leaving it open-ended for an individual or a firm. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

Fire Chief Martinez stated there is no problem going out for 30 days on the final filing date if the announcement is out the first of August.

**4. Job Description Modifications and
Reclassification of Existing Personnel—(Means)**

- Deputy Chief Means presented a comprehensive staff report with proposed job description modifications.
- A survey of several jurisdictions illustrated the industry standard supports elongated classifications consisting of entry-level, journey level and senior level, to address the "glass ceiling" effect and the issue of employees working outside of their classification without an opportunity for promotion.

For purposes of recruitment and retention, the elongated classifications proposed are appropriate.

- Director Trujillo stated the Policy Committee recommended approval and referral to the full Board.
- Director Kelly felt this was an improvement to the current program allowing for upward mobility.
- Deputy Chief Means stated the next step will be to bring this to the Finance Committee to establish salary ranges for the entry (apprentice) and senior level classifications. Once the salary range is established based upon industry standard and the same survey used for the job descriptions, any subsequent cost-of-living increases will be spread equally across the classifications.
- Staff recommended adoption of the title change of Drafting Technician to Geographic Information Specialist (GIS) along with the elongation of the classification to I and II; adopt the elongation of the Accounting Technician classification to I, II, and Senior Accounting Technician; adopt the elongation of the Office Technician classification to I, II, and Senior Office Technician; and authorize the additional Telecom Technician position.
- Rich Schmiedt of Local 522 stated this item was discussed with Deputy Chief Means and Linzi Wilson, ASP/522 representative. The modifications are an improvement for the employees. Ms. Wilson was in full agreement.
- **Board Action:**
Lawson/Trujillo—Approve the staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

PRESENTATION ITEM (S)

1. Televised Board Meetings for Broadcast Cable Television—(Trujillo)

- Director Trujillo stated this was approved at a prior meeting but discussed at today's Policy Committee relative to recent disclosure of a security issue and referred to the full Board.
- Dick Crooks, a member of the public, addressed the issue and encouraged televised Board meetings.

- The Board members discussed in length the security concern of a Director relative to prior employment and televising Board meetings; tape delayed broadcast; public official responsibilities; public communications; website information and DVDs available to the public; obligation to mitigate security issues; tentative broadcast August 10; delaying broadcast pending resolution of security issue.
- Action item for the next meeting.
- President Granados requested Fire Chief Martinez check into webcasting on the District website as a better venue for public accessibility.
- In response to the recommendation by Fire Chief Martinez, President Granados stated further discussion will be held on the issue of security.

2. Intent to Study Annexation of Former McClellan AFB—(Appel)

- Since the closure of the former Air Force base, the District has been providing structural and Aircraft Rescue and Firefighting (ARFF) services under a contract with Sacramento County. Funding for this service contract is predominantly generated by an agreement between Sacramento County and the United States Coast Guard. In light of the projected development at McClellan, Sacramento County would like to assure stability of the structural firefighting services by having the territory of the former McClellan AFB annexed into the District.

Adopting a Resolution of Intent to study annexation is the first step in the LAFCo process for adding the territory of the former McClellan AFB, currently being served by the District, as an area that also generates permanent property tax revenues for those services.
- The fiscal impact of studying the annexation of the former McClellan AFB will require less than \$1,000 of budget allocation, but will necessitate a commitment of up to 100 hours of staff time which could impact other operations of the District.
- Recommend staff be directed to prepare a Resolution of Intent to study the annexation for adoption at the next Board Agenda on August 10, 2005.
- Concerns expressed for a guaranteed revenue source to offset the cost of the annexation prior to moving forward; departure of the Coast Guard potential; annexation by another entity would result in automatic or mutual aid with no reimbursement for use of District resources.

- Fire Chief Martinez strongly supported the need to study the feasibility of annexation. The District would ensure there is a defined revenue stream.
- **Board Action:**
General consensus to move forward and bring the Resolution back at the August 10 Board meeting.

3. Fire Chief Selection Process—(Martinez/Granados)

- Fire Chief Martinez distributed a draft of his job description with modifications as previously discussed.

Recommended the Minimum Qualifications be reviewed, particularly in the areas of Education and Experience. Broad qualifications will result in a larger candidate pool.

Search documents from different agencies were distributed to the Board previously as a reference point in determining qualifications for the new Fire Chief.

- General consensus in favor of the initial job offering to be an internal announcement for promotion.
- Fire Chief Martinez sent letters to several search firms requesting proposals to assist in developing a concise vision statement and profile of the ideal candidate, develop appropriate assessment tools for candidate evaluation, and serve as the facilitator as requested by the Board. Six responses were received. Estimated cost from a low of \$5,500 to high of \$10,000. Vendors requested to be available during the month of August and first two weeks of September.

Recommended opening the internal application period during the first three weeks of August; schedule a date during the weeks of August 8 or 15 to meet with the consultant in Closed Session on items discussed.

President Granados requested Board Clerk Tilson contact the Directors and get their schedules to arrange for a meeting with the consultant.

- **Board Action:**
General consensus to move forward with the modified Job Description and the Fire Chief to select the search firm.

PRESIDENT'S REPORT—(Granados)

- Congratulated Director Jones on her election as the LAFCo Alternate.
- Thanked everyone who attended the funeral for the two Sheriff's Deputies killed in the helicopter crash. Metro was well represented.

FIRE CHIEF'S REPORT—(Martinez)

- Acknowledged employees from Metro who participated in the funeral for the Deputies and worked with fellow public safety officers in the Sheriff's Department.
- The helicopter motor has been replaced and operated through the 4th of July.

Misconception on our Purchasing Policy--presentation anticipated at a future meeting by Finance Director Houghton and Purchasing Agent Connor on the Purchasing Policy and authority of the Fire Chief.

- Absent at the next meeting.
- City of Sacramento responded to a five-alarm fire tonight at 300 University Avenue. Metro Fire had nine companies and two or three Medics in addition to Sacramento. One Metro firefighter was transported for over-heating and exhaustion.

GENERAL COUNSEL'S REPORT—(Price) None.

COMMITTEE AND DELEGATE REPORTS:**Executive Committee—(Granados)**

- Next Meeting: TBD

Communications Center Delegate—(Engellenner)

- There was a farewell party at yesterday's Comm Center meeting for Iris Gulzow who is retiring.

- Battalion Chief Holbrook reported on options being explored at the Comm Center for modifying our flight policy. On July 18, a low level in-flight emergency was experienced with loss of hydraulic power and landed at Rancho Murieta safely within a minute. After the Star 6 incident, to raise an aircraft emergency on the radio instantly the volume of traffic on the radio got to a point where the helicopter could not communicate with the Dispatch Center. Issue of policy modification to be brought before the County Operation Chiefs.
- Next meeting: August 30, 2005 – 10:30 AM

California Fire & Rescue Training Authority—(Goold)

- Next meeting: September 23, 2005 – 10 a.m.

Finance Committee—(Jones)

- Next meeting: August 10, 2005 – 5:00 p.m.

Policy Committee—(Trujillo)

- Received presentation on today's meeting.
- Next meeting: August 24, 2005 – 5:00 p.m.

BOARD MEMBER QUESTIONS AND COMMENTS:**Board Members:**

- Condolences extended to the families of the two Sacramento County Sheriff's Deputies lost in the helicopter crash and the family of the Sheriff Deputy still fighting for his life.

Duveneck:

- Applauded the arrest of over 100 arsonists and the rehab class for juvenile firesetters relative to a radio commentary by Fire Marshal Dobson.
- Metro engine on Bruceville Road went by his office to help out an engine from Station No. 7—nice to see the teamwork between the City and Metro.
- Will be absent at the next meeting.

Kelly:

- Thanked everyone for their condolences on the loss of his brother.

Jones:

- Requested Board members check their calendars for a second time period for a workshop on the Economic Development and Planning Committee. Need to develop an economic development policy and planning. This will provide concrete information from our District to share with the City of Rancho Cordova 2 x 2 Committee in her jurisdiction and other city 2 x 2's.

Trujillo:

- Thanked Station 21 and Captain Brian Rice for hosting a dinner at the station for the family of the surviving sheriff.
- In response to Director Trujillo, Fire Chief Martinez stated he was unaware of any comment made at the Board of Supervisor's meeting relative to the helicopter being in service on July 4th.

Lawson:

- Attended with Assistant Chief Hartley a Fair Oaks Community Outreach meeting for Assemblyman Roger Niello today. He expressed his concerns relative to the PERS issue sharing with his constituents that the Metro Fire Board adopted a resolution in support of the protective services retirement benefits. Assemblyman Niello perceives this issue will be discussed again next year. Urged Board members to attend all public interest meetings to protect the benefits of these people and continue to go on record in opposition to any change in the PERS system that will alter the existing benefits.

Valley:

- The workshops are important and we need to focus on priorities that could cost the District millions of dollars.

Fire Chief Martinez suggested the workshop [Economic Development] be combined with a regular Board meeting.

ADJOURNMENT – Meeting adjourned at 9:30 p.m.

Gregory A. Granados, President

Matt Kelly, Secretary

Charlotte Tilson, Clerk of the Board